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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 RACHAEL ANGELICA MORALES,
15 Defendant.

Case No. 2:20-mj-00861-EJY

**STIPULATION TO CONTINUE
BENCH TRIAL**
(First Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,
18 Acting United States Attorney, and Rachel Kent, Special Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Katherine Tanaka, Assistant Federal Public Defender, counsel for Rachael Angelica
21 Morales, that the bench trial currently scheduled on March 24, 2021, be vacated and continued
22 to a date and time convenient to the Court, but no sooner than sixty (60) days.

23 This Stipulation is entered into for the following reasons:

24 1. Counsel for the defendant needs additional time to conduct investigation in this
25 case in order to determine whether there are any pretrial issues that must be litigated and
26 whether the case will ultimately go to trial or will be resolved through negotiations.

1 2. The defendant is not in custody and agrees with the continuance.
2 3. The parties agree to the continuance.
3 3. Additionally, denial of this request for continuance could result in a
4 miscarriage of justice. The additional time requested by this Stipulation is excludable in
5 computing the time within which the trial herein must commence pursuant to the Speedy Trial
6 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title
7 18, United States Code § 3161(h)(7)(B)(iv).

8 This is the first request for a continuance of the bench trial.

9 DATED this 17th day of March 2021.

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11 RENE L. VALLADARES
12 Federal Public Defender

CHRISTOPHER CHIOU
Acting United States Attorney

13 By /s/ Katherine Tanaka
14 KATHERINE TANAKA
15 Assistant Federal Public Defender

By /s/ Rachel Kent
RACHEL KENT
Special Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 RACHAEL ANGELICA MORALES,

7 Defendant.

Case No. 2:20-mj-00861-EJY

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

9
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Counsel for the defendant needs additional time to conduct investigation in this
14 case in order to determine whether there are any pretrial issues that must be litigated and
15 whether the case will ultimately go to trial or will be resolved through negotiations.

16 2. The defendant is not in custody and agrees with the continuance.

17 3. The parties agree to the continuance.

18 4. Additionally, denial of this request for continuance could result in a
19 miscarriage of justice. The additional time requested by this Stipulation is excludable in
20 computing the time within which the trial herein must commence pursuant to the Speedy Trial
21 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title
22 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

23 This is the first request for a continuance of the bench trial.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, March 24, 2021 at 9:00 a.m., be vacated and continued to June 2, 2021 at the hour of 9:00 a.m. in Courtroom 3D.

DATED this 17th day of March 2021.


ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE